

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE SCOTT,

Plaintiff,

v.

E. BROWN, et al.,

Defendants.

No. 2:23-cv-2749-TLN-SCR-P

ORDER

Plaintiff George Scott ("Plaintiff"), a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 13, 2024, the magistrate judge filed findings and recommendations which were served on Plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within twenty-one (21) days. (ECF No. 13). Instead of filing objections, Plaintiff filed a motion for an extension of time to file a first amended complaint. (ECF No. 14). On January 6, 2025, the magistrate judge granted plaintiff sixty days in which to file a first amended complaint. (ECF No. 15). Plaintiff was advised that the findings and recommendations issued on December 13, 2024, would not be vacated unless Plaintiff complied with the order and filed an amended complaint within the time provided. (*Id.*) More than sixty days have passed, and Plaintiff has not filed an amended complaint. Nor has Plaintiff filed

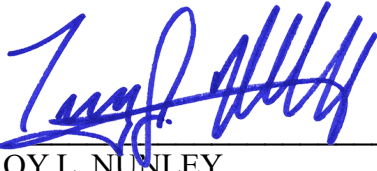
1 objections to the findings and recommendations.

2 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
3 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.
4 *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the
5 magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]”).
6 Having reviewed the file, the Court finds the findings and recommendations to be supported by
7 the record and by the proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations, (ECF No. 13), are ADOPTED in full; and
10 2. This action is DISMISSED, without prejudice, for lack of prosecution and for failure
11 to comply with the Court's order. *See* Fed. R. Civ. P. 41(b); Local Rule 110; *see also*
12 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (citation omitted); and
13 3. The Clerk of Court is directed to CLOSE this action.

14 DATED: April 7, 2025

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17 TROY L. NUNLEY
18 CHIEF UNITED STATES DISTRICT JUDGE
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